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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/239,020	01/29/1999	HIDEKAZU SHIMOMURA	35.C13298	5586

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EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 10/03/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/239,020

Applicant(s)

SHIMOMURA ET AL.

Examiner

Negussie Worku

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 January 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 10-17 is/are rejected.
- 7) ☒ Claim(s) 2-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

JEROME GRANT II  
PRIMARY EXAMINER

Negussie Worku

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 10, are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent (5,481,381).

With respect to claim 1, Fujimoto discloses a color image reading apparatus (as shown in fig 1A and 1B), comprising: light-receiving means (4 of fig 1B) formed by setting a plurality of line sensors (8,9,10 of fig 3A) on a single substrate (substrate 20 of fig 3A), see (col.3, lines 40-45); imaging means (lens 2 of fig 1B) for imaging an object (original 1 of fig 1B); color-separation means, (color separation 3 of fig 1B, see col. 3, line 25-28) inserted in an optical path between said imaging means (sensor 4 of fig 1B) and light-receiving means, (31 of fig 1B) for color-separating a light beam coming from the object (original 1 of fig 1B) into a plurality of color light beams ( 101 of fig 1B); and first cylinder means, (2 of fig 1B) inserted in an optical path between the object (1 of fig 1B) and said imaging means, (4 of fig 1B) for temporarily imaging the

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object in a sub-scanning direction in an optical path before said imaging means (4 of fig 1B).

With respect to claim 10, Fujimoto discloses an apparatus wherein said color-separation means (3 of fig 1B), color-separates an incoming light beam into three color light beams, see (col.3, line 29-34) in a direction perpendicular to a line-up direction of pixels of said line sensors (8,9,10 of fig 1B).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11-18, are rejected under 35 U.S.C. 102(b) as being anticipated by Hsegawa (USP 4,974,072).

With respect to claim 11, Hasegawa discloses an apparatus according (as shown in claim 1 and 2), further comprising first, second, and third mirrors (mirrors 105, 106 and 107 of fig 1) inserted in the optical path between the object (102 of fig 1) and said imaging means, (108 of fig 1) and wherein said first cylinder means (108 of fig 1) comprises at least two cylindrical lenses, (cylinder lens 108 has two parts on the left

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and right side), and a slit is placed at or near a position where the cylindrical lens (108 of fig 1) placed on the object side temporarily images the object (102 of fig 1).

With respect to claim 12, Hasegawa discloses an apparatus (as shown in fig 1 and 2), wherein the cylindrical lens (108 of fig 1) placed on the object side has a positive refractive power, and is placed near the object (102 of fig 1).

With respect to claim 13, Hasegawa discloses an apparatus (as shown in fig 1 and 2), wherein the cylindrical lens (108 of fig 1) placed on the object side has a positive refractive power, and is inserted between said first 105 of fig 1) and second mirrors (106 of fig 1).

With respect to claim 14, Hasegawa discloses an apparatus (as shown in fig 1 and 2), wherein said slit and second mirror (106 of fig 1) are integrated.

With respect to claim 15, Hasegawa discloses an apparatus (as shown in fig 1 and 2), wherein the cylindrical lens (108 of fig 1) placed on the side of said imaging means (103 of fig 1), has a positive refractive power, and is placed in the vicinity of said imaging means (103 of fig 1).

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With respect to claim 16, Hasegawa discloses an apparatus (as shown in fig 1 and 2), wherein said second (106 and 107 are positioned) and third mirrors construct an inverted-V-shaped mirror unit.

With respect to claim 17, Hasegawa discloses an apparatus (as shown in fig 1 and 2), 17. wherein said color-separation means, (103a, 103b and 103c of fig 1) comprises a transmission or reflection diffraction grating, see (col.1, line 40).

With respect to claim 18, Hasegawa discloses an apparatus (as shown in fig 1 and 2), wherein said color-separation means (103a-103c of fig 1), comprises a dichroic prism or dichroic mirror.

### ***Objected Subject Matter***

5. Claim 2-9, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


With respect to claim 2-9, the prior art does not show or disclose the line spacing correction means for correcting deviations of imaging positions on a surface of said light-receiving means caused by different wavelengths of the color light beams.

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6. Any inquiry concerning this communication or earlier communication from Examiner should be directed to whose telephone number is (703) 305 5441.

The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, David Moore, can be reached on (703) 308-7452.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
JEDSME GRANT II  
PRIMARY EXAMINER

*Negussie Worku*  
  
09/ 22/ 02